IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

CRP.No. 184 of 2007()

OPELE.564/2002 of ADDL.D.C.,ALAPPUZHA.
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REVN. PETITIONER: REVISION PETITIONER/IST RESPONDENT

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA,KAYAMKULAM,
REP.BY ITS MANAGER.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS: RESPONDENT/PETITIONER

JAGANNATHAN,S/O.GOPINATHA CHANNAR,
MANDALATHU HOUSE, KANNAMANGALAM VILLAGE,
MAVELIKKARA TALUK, REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER,JAYASREE,W/O.JAGANNATHAN, -DO-

BY ADV. SRI.J.OM PRAKASH

THIS CIVIL REVISION PETITION COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.184 of 2007

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Dated this the 6th day of December, 2007.

ORDER

This revision petition is preferred against the award of the Additional District Judge, Alappuzha in O.P. (E.A.) No.564 of 2002 whereby the court has awarded an additional compensation of Rs.24,000/-. So far as the enhancement for the value of the trees is concerned, the court has declined to grant any amount. But the court has granted Rs.24,000/- as compensation for the diminution of the land value. The court found on the basis of the Commissioner's report and evidence of the petitioner that about an extent of 8 cents of land had been affected by the drawing of the electric line, out of which an extent of 2 cents is completely affected by the installation of an electric tower. The Commissioner on a local enquiry fixed the market value at Rs.25,000/- per cent and the petitioner as PW1 gave evidence that the market value of the property can at any rate be not less

than Rs.50,000/-. The court also found that there is access from the road to the property and it is situated near a L.P. School as well as a Devi Temple and that the area is having importance in the locality. So taking into consideration all these aspects the court fixed the value at Rs.10,000/- per cent. Learned counsel for the revision petitioner strongly contends before me that without the aid of document, the court should not have fixed it at Rs.10,000/-. In all cases, it may not be possible.

2. Here, there is evidence tendered by the Commissioner, who is an officer of the court and the court has sizeably reduced that value and only taken Rs.10,000/- per cent. It only took 30% for the purpose of diminution of land value. The award of Rs.24,000/- is just and proper and that does not call for any interference and therefore, the Civil Revision Petition is dismissed.

M.N.Krishnan,
Judge.

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